such rules changes are not germane to a bill not containing rules changes. P. 506—House Rules and Manual. Although the procedures contained in the amendment are the same as those currently contained in the FTC Improvement Act of 1980 with respect to congressional review, section 21 of that act ceases to be effective after September 30, 1982. The amendment would, therefore, constitute a change in law for fiscal 1983. The Chair rules that the amendment is not germane to House Resolution 560 and sustains the point of order.

Amendment to Concurrent Resolution

§ 17.6 While a concurrent resolution providing for an adjournment of the Senate to a day certain is amendable, the Speaker indicated in response to a parliamentary inquiry that an amendment providing a sine die adjournment of the Senate would not be germane.

The following perhaps jocose proceedings occurred on Mar. 13, 1974:[13]

The Speaker laid before the House the Senate concurrent resolution (S. Con. Res. 75) providing for an adjournment of the Senate from Wednesday, March 13, 1974, to Tuesday, March 19, 1974.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 75

Resolved by the Senate (the House of Representatives concurring), That when the Senate completes its business today, Wednesday, March 13, 1974, it stand adjourned until noon, Tuesday, March 19, 1974.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry. . . . [W]hat is the import of the resolution?

THE SPEAKER:[14] It is an adjournment resolution enacted by the Senate, for the Senate only, until Tuesday next. The Senate is asking the consent of the House. . . .

MR. GROSS: Is it subject to amendment, Mr. Speaker?

THE SPEAKER: It is a privileged resolution.

MR. GROSS: Mr. Speaker, I would be constrained to make it a sine die adjournment for the other body.

THE SPEAKER: The Chair feels that that is not germane.

§ 18. Amendment Offered to Particular Paragraph, Section, or Title

An amendment must be germane to the particular paragraph,[15] section or title of the bill to which it is offered. Thus, the Chairman may rule out an amendment as not being germane to that section to which it was offered as a motion to strike out

13. 120 CONG. REC. 6550, 93d Cong. 2d Sess.

14. Carl Albert (Okla.).

15. See, for example, 89 CONG. REC. 1158, 78th Cong. 1st Sess., Feb. 19, 1943.

and insert, without passing on the germaneness of the amendment to the bill as a whole.[16]

To an amendment proposing to add a new paragraph to a section of a bill, an amendment providing that certain procedures not be permitted "under this section" has been ruled out as not germane, as not confined to the narrow subject of the amendment to which offered.[17]

It should be noted that an amendment, ruled out as not germane to that part of an appropriation bill to which offered, has been permitted by unanimous consent to be offered to a different paragraph to which it was germane where the reading of the bill for amendment had progressed beyond the proper paragraph.[18]

It is, of course, proper to offer perfecting amendments to a title even when a motion to strike the matter sought to be amended is pending.[19] When such a perfecting amendment to text is offered pending a vote on a motion to strike out the same text, the perfecting amendment must be germane to the text to which offered, not to the motion to strike out.[20]

16. See § 18.3, infra.

17. See § 18.6, infra.

18. See § 18.14, infra.

19. As to amendments generally, see Ch. 27.

20. See § 19.13, infra.

The germaneness of an amendment may depend on the point in the reading of the bill at which it is offered. It may happen that an amendment is ruled out because it is not germane to a particular part of the bill, and a similar amendment be allowed subsequently when the scope of the bill has been broadened by additional paragraphs passed in the reading.[1] An amendment that might be considered germane if offered at the end of the reading of the bill for amendment may not be germane if offered during the reading, before all the provisions of the bill are before the Committee of the Whole for consideration. On one occasion, during consideration of a bill relating only to procurements by the Department of Defense, an amendment concerned with duties of the Comptroller General in connection with defense contracts was at first ruled out as not germane to the part of the bill to which offered, since at that point in the reading of the bill no reference had been made to any agency of government other than the Department of Defense.[2] Subsequently, however, when the scope of the bill had been broadened by additional paragraphs passed in the reading,

1. *Id.*

2. See § 18.1, infra.

a similar amendment was held to be in order.[3]

Where an amendment is offered to one part of a bill, a substitute amendment which relates to a different part of the bill is not germane to the original amendment.[4]

Review by Comptroller General of Defense Contracts

§ 18.1 During consideration of a bill authorizing military procurement for the current fiscal year, an amendment authorizing the Comptroller General to conduct certain audits of defense projects and contracts and requiring designated contractors to file certain data with the General Accounting Office was held to be not germane to the portion of the bill to which offered.

In the 91st Congress, during consideration of the military procurement authorization bill for fiscal 1970,[5] the following amendment was offered:[6]

> Amendment offered by Mr. [Charles W.] Whalen [Jr., of Ohio]: Add a new section to title IV:
>
> "Sec. 410. (a) After January 1, 1970, the Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major acquisition programs. . . .
>
> "(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense. . . .
>
> "(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred or to be incurred . . . and the effectiveness of performance achieved . . . are such as to warrant such audits. . . .
>
> "(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his duties."

No reference to the Comptroller General or the General Accounting Office had been made in the reading of the bill up to the point at which the amendment was of-

3. See § 18.2, infra.

4. See the ruling of Chairman George A. Dondero (Mich.) at 94 Cong. Rec. 7768, 80th Cong. 2d Sess., June 10, 1948. Under consideration was H.R. 6396 (Committee on the Judiciary), relating to admission into the United States of certain displaced persons.

5. H.R. 14000 (Committee on Armed Services).

6. 115 Cong. Rec. 28442, 91st Cong. 1st Sess., Oct. 3, 1969.

fered. The following point of order was raised against the amendment:

> MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, I make a point of order that the amendment is not germane to title IV. . . .

The Chairman,[7] in ruling on the point of order, stated:[8]

> The gentleman from Ohio (Mr. Whalen) has offered an amendment inserting a new section in title IV of the bill. . . . The amendment would give the Comptroller General authority to make independent audits of the reporting system developed by the Secretary, as well as authority to obtain records from the defense contractors involved.
>
> Nothing in this title involves the General Accounting Office or the Comptroller General. . . .
>
> . . . The amendment is not germane to this title and the Chair sustains the point of order.

A similar amendment was, however, held to be germane when offered after the reading of further provisions of the bill.[9]

§ 18.2 To a military procurement authorization bill, which stated in its "general provisions" that "the Committees on Armed Services are authorized to utilize the services . . . of any government agency," an amendment directing the Comptroller General to review defense contracts was held to be germane.

On Oct. 3, 1969, during proceedings relating to a military procurement authorization bill for fiscal 1970,[10] Mr. Samuel S. Stratton, of New York, offered a motion to strike all of the title under consideration.[11] The following amendment was then offered:[12]

> Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:
>
> "Sec. 505. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on [certain] contracts . . . .
>
> "(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or ap-

7. Daniel D. Rostenkowski (Ill.).

8. 115 CONG. REC. 28443, 91st Cong. 1st Sess., Oct. 3, 1969.

9. See § 18.2, infra.

10. H.R. 14000 (Committee on Armed Services).

11. 115 CONG. REC. 28454, 91st Cong. 1st Sess., Oct. 3, 1969.

12. *Id.* at pp. 28454, 28455.

propriate in conducting any study and review authorized by subsection (a) of this section."

A point of order was raised against the Jacobs amendment, as follows:[13]

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, I submit that this amendment is not germane because the amendment before embodied is to strike the section. How can you have an amendment to a section that is to be stricken?

The Chairman[14] stated in response:

The Chair has gone through the precedents and has found that where the Committee of the Whole has agreed that the further reading of a title of a bill is dispensed with and open to amendment at any point, a perfecting amendment adding a new section may be offered notwithstanding the fact that an amendment proposing to strike out the title is pending. Perfecting amendments to a title in a bill may be offered while there is pending a motion to strike out such title.

The Chairman then rejected a further contention by Mr. Joe Skubitz, of Kansas, that the Jacobs' amendment was not germane to "the Stratton amendment." Subsequently, the following exchange occurred:

MR. STRATTON: Mr. Chairman, a point of order. My recollection is that on a previous amendment, the Chair ruled it out of order because it brought in another agency.[15]

THE CHAIRMAN: That was because the Whalen amendment was not germane to that title or section of the bill.

MR. STRATTON: Does not that same point lie against this amendment?

THE CHAIRMAN: The Chair has ruled that the Jacobs amendment is germane to Title V.

Naval Authorization Bill

§ 18.3 To that section of a bill authorizing the President to suspend certain naval construction in the event of naval arms limitation agreements being entered into by the United States, an amendment proposing certain fundamental naval policies and bearing no relation to the section being amended was held not germane.

In the 75th Congress, a naval authorization bill[16] was under consideration which provided in part:[17]

Sec. 10. That in the event of international agreement for the further limitations of naval armament to which the United States is signatory, the

13. *Id.* at p. 28455.
14. Daniel D. Rostenkowski (Ill.).
15. See the ruling discussed in § 18.1, supra.
16. H.R. 9218 (Committee on Naval Affairs).
17. See 83 CONG. REC. 3698, 75th Cong. 3d Sess., Mar. 18, 1938.

President is hereby authorized and empowered to suspend so much of its naval construction as has been authorized as may be necessary to bring the naval armament of the United States within the limitation so agreed upon, except that such suspension shall not apply to vessels actually under construction on the date of the passage of this act.

The following committee amendment was offered:

Page 5, line 21, strike out all of section 10 and insert in lieu thereof the following:

"Sec. 9. It is declared to be the fundamental naval policy of the United States to maintain a Navy in sufficient strength to guarantee our national security, not for aggression, but to guard the continental United States. . . .

"It is further declared to be the policy of the United States that an adequate naval defense means not only the protection of the Canal Zone, Alaska, Hawaii, and our insular possessions, but also a defense that will keep any potential enemy many hundred miles away from our continental limits."

A point of order was raised against the amendment, as follows:

MR. [BERTRAND H.] SNELL [of New York]: . . . There is not a single word in this bill that pertains to anything else but the building of various types of ships for the Navy. . . .

Mr. Chairman, this is an entirely new subject brought forward in the form of an amendment which has for its purpose the definition of a naval policy for the United States. I have some doubt whether this would even come under the jurisdiction of the Committee on Naval Affairs; but whether it does or not, it is an entirely new subject and one that cannot be offered as an amendment to the bill we are considering at the present time.

Mr. Maury Maverick, of Texas, in support of the point of order, stated:

. . . [T]he amendment of the committee is not germane to this bill. . . . The amendment claims to concern naval policy, but it concerns foreign policy.

The Chairman,[18] in ruling on the point of order, stated:[19]

The sole ground upon which the Chair sustains the point of order is that this amendment . . . is not germane to section 10, for which it was substituted.

The Chair does not believe it is necessary to pass upon the question of whether the matter is germane to the whole bill or upon the question of jurisdiction of committees of the House.

Neutrality Act—Amendment Concerning Export of Arms to Belligerents

§ 18.4 To that section of a joint resolution authorizing the President to issue a proclamation that a state of war ex-

18. John J. O'Connor (N.Y.).

19. 83 CONG. REC. 3699, 75th Cong. 3d Sess., Mar. 18, 1938.

ists between foreign states, an amendment proposing that upon issuance of such proclamation it shall be unlawful to export arms or ammunition to such states was held not germane.

In the 76th Congress, during consideration of the Neutrality Act of 1939,[20] an amendment was offered[1] as described above. Mr. Luther A. Johnson, of Texas, raised the point of order that the amendment was not germane to the section under consideration.[2] The Chairman,[3] in ruling on the point of order, stated:

> The Chair invites attention to the fact that section 1 of the pending resolution provides only that the President shall have authority to issue a proclamation as to the existence of a state of war between foreign states and to name those states. Paragraph (b) of section 1 further provides that whenever the conditions which caused the President to issue any proclamation under the authority of this section has ceased to exist he shall revoke the same. . . .
>
> The Chair . . . invites attention to the provisions of section 4 which, among other things, provide that whenever the President shall have issued a proclamation under the authority of section 1 it shall thereafter be unlawful except in accordance with such rules and regulations as the President shall prescribe to export, or transport, or attempt to export or transport . . . articles or material.
>
> The Chair is . . . of the opinion that if the gentleman's amendment be in order it would have to be offered to section 4 and not to section 1. The Chair, therefore, sustains the point of order.

§ 18.5 To that section of a joint resolution authorizing the President to issue a proclamation that a state of war exists between foreign states, an amendment relating to shipment of arms to belligerent states, and striking specified portions of the entire joint resolution, was held to be not germane.

In the 76th Congress, the Neutrality Act of 1939[4] was under consideration, which provided in part:[5]

> Section 1. (a) That whenever the President shall find that there exists a state of war between foreign states . . . the President shall issue a proclamation naming the states involved. . . .

The following amendment was offered:[6]

20. H.J. Res. 306 (Committee on Foreign Affairs). See the section read at 84 CONG. REC. 8282, 76th Cong. 1st Sess., June 29, 1939.
1. *Id.* at p. 8312.
2. *Id.* at p. 8313.
3. Jere Cooper (Tenn.).
4. H.J. Res. 306 (Committee on Foreign Affairs).
5. 84 CONG. REC. 8282, 76th Cong. 1st Sess., June 29, 1939.
6. *Id.* at pp. 8313, 8314.

Amendment offered by Mr. [Andrew C.] Schiffler [of West Virginia]: Strike out page 2, line 1, all of pages 2, 3, 4 . . . to and including, and all of lines 1, 2, 3, 4 . . . and 17 on page 14, and insert and include the following as a new paragraph:

"EXPORT OF OTHER ARTICLES AND MATERIALS

"Section 1. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of Senate Joint Resolution 51 as enacted into law, first session, Seventy-fifth Congress, and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to belligerent states . . . is necessary to promote the security . . . of the United States . . . he shall so proclaim, and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe . . . for any American vessel to carry such articles or materials to any belligerent state. . . ."

A point of order was raised against the amendment, as follows:[7]

MR. [LUTHER A.] JOHNSON [of Texas]: Mr. Chairman, I make the point of order that the amendment is not germane to the section to which it is offered.

Mr. Schiffler contended that the amendment was germane "because it may be considered as an amendment as well as a substitution for all of the provisions of House Joint Resolution 306." The Chairman[8] stated:

The gentleman from West Virginia [Mr. Schiffler] offered an amendment which, as the Chair understands it, in effect is to strike out all after the enacting clause of the pending resolution down to and including a certain part at page 13, which would include the striking out of a number of provisions or sections of the bill which have not yet been read.

Relying on the rule that a substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded,[9] the Chairman sustained the point of order.

Prior to the above ruling, Mr. Harold Knutson, of Minnesota, had offered an amendment[10] which similarly related to shipment of materials to belligerent states and which sought to strike the first section of the resolution and insert other language. The Chairman ruled the amendment out of order because it affected all sections of the bill, not just the section sought to be amended.[11]

7. *Id.* at p. 8314.

8. Jere Cooper (Tenn.).

9. The Chairman referred to an earlier ruling, appearing at 84 CONG. REC. 8288, 76th Cong. 1st Sess., June 29, 1939.

10. *Id.* at pp. 8311, 8312.

11. *Id.* at p. 8312.

Legislative Reorganization Bill—Amendment Referring to Practices "Under this Section"

§ 18.6 During consideration of that section of a legislative reorganization bill modifying a rule of the House with respect to calling committee meetings, it was held that, to an amendment to such section adding a paragraph relating to selection of temporary committee chairmen, an amendment referring to proxy voting and other practices "under this section" was not germane.

During consideration of that part of the Legislative Reorganization Act of 1970 [12] relating to the calling of committee meetings, the following amendment was offered: [13]

> Amendment offered by Mr. [Dante B.] Fascell [of Florida]: Section 102 of title 1 is amended by adding a new subsection on page 8 after line 19:
>
> "(f) Whenever the chairman of any standing committee is unable to discharge his responsibilities, the committee by majority vote shall designate a member with full authority to act as chairman until such time as the chairman is able to resume his responsibilities."

To such amendment, an amendment was offered which stated: [14]

> Amendment offered by Mr. [Marion G.] Snyder [of Kentucky]: to the amendment offered by Mr. Fascell: add the following language to the Fascell amendment, after the period:—"Proxy voting shall not be permitted under this section and three (3) days notice of any proposal under this section shall be given in writing to all committee members."

A point of order was raised against the amendment, as follows:

> MR. [H. ALLEN] SMITH of California: . . . We are not talking about proxies in this particular section. I do not think the amendment is germane to the amendment as offered by the gentleman from Florida.

In defense of the amendment, the proponent stated as follows:

> MR. SNYDER: . . . [W]hile we are not talking about proxy voting in this section, we are talking about the method by which you might de-designate the chairman of the committee and in that regard and when you do that by a vote, then, I think it should be germane. . . .

The Chairman,[15] without elaboration, ruled that the amendment was not germane to the Fascell amendment.

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12. H.R. 17654 (Committee on Rules).

13. 116 CONG. REC. 24036, 24040, 91st Cong. 2d Sess., July 14, 1970.

14. *Id.* at p. 24040.

15. William H. Natcher (Ky.).

Title of Postal Revenue and Federal Salary Act Relating to Federal Salaries—Amendment Concerning Appointment of Postmasters

§ 18.7 Where a bill consisted of three titles, relating respectively to postal rates, federal salaries, and the mailability of certain material, an amendment concerning the appointment of Postmasters by the Postmaster General, which was offered to the title of the bill relating to federal salaries, was held to be not germane to such title.

In the 90th Congress, during consideration of the Postal Revenue and Federal Salary Act of 1967,[16] the following amendment was offered to the bill:[17]

> Amendment offered by Mr. [William A.] Steiger of Wisconsin: On page 75, immediately below line 2, insert the following:
>
> "APPOINTMENT OF POSTMASTERS BY POSTMASTER GENERAL
>
> "Sec. 223. Section 3311 (relating to method of appointment of postmasters) of title 39, United States Code, is amended to read as follows:
>
> "'§3311. Method of appointment
>
> "'(a) The Postmaster General shall appoint postmasters at post offices of the first, second, and third classes in the competitive civil service without term. He shall make the appointments in accordance with the civil service laws and rules. . . .'"

A point of order was raised against the amendment, as follows:[18]

> MR. [MORRIS K.] UDALL of Arizona]: Mr. Chairman, I make the point of order against the amendment that it is not germane to the title of the bill now under consideration and is not germane to the bill itself.
>
> The bill now under consideration deals with salaries of the classified service, the Foreign Service, and other salary systems and procedures. There is nothing here about the appointment of Federal employees.

In defense of the amendment, the proponent stated as follows:

> MR. STEIGER of Wisconsin: . . . The bill H.R. 7977 purports to adjust certain postage rates, and for other purposes. Title II of the bill, in various and sundry places in that title, at pages 75 and 76 particularly, title 39 of the United States Code, which is the very title to which my amendment is directed, would be amended. Therefore, it would seem to me most appropriate that this bill is open to amendment in relation to title 39, since the bill itself is aimed at that very title.

The Chairman,[19] in ruling on the point of order, stated:

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16. H.R. 7977 (Committee on Post Office and Civil Service).

17. 113 CONG. REC. 28649, 28650, 90th Cong. 1st Sess., Oct. 11, 1967.

18. *Id.* at p. 28651.

19. Charles M. Price (Ill.).

. . . The title under consideration deals solely with compensation of governmental employees. The amendment deals with the appointment of postmasters by the Postmaster General. The Chair therefore holds that it is not germane to the title under consideration and sustains the point of order.

Parliamentarian's Note: H.R. 7977, as reported to the House, consisted of three titles amending, respectively, three separate parts of title 39, USC: Title I of the bill amending the code to adjust postal rates; Title II amending the code to adjust federal salaries; and Title III amending the code to prohibit mailing of certain pandering materials. Had the Steiger amendment relating to the appointment of postmasters been offered as a new title at the end of the bill, with the purpose of amending a fourth part of Title 39, USC, relating to that subject, the proposed amendment probably would have been held to be germane.

"Miscellaneous" Title of Agriculture Bill—Amendment Concerning Determination as Made "Under Various Provisions" of Bill

§ 18.8 During consideration of a bill establishing programs for producers of various agricultural commodities, it was held that, to the title containing miscellaneous provisions, amendments were germane which related to determination of the acreage "eligible as set aside under the various provisions of this Act," and to certain restrictions on the use of such acreage.

In the 91st Congress, during consideration of the Agricultural Act of 1970,[20] the following amendments were offered:[1]

Amendments offered by Mr. [Paul] Findley [of Illinois]: Page 57, beginning on line 21, insert:

"Sec. 805. The Secretary is directed to establish . . . an inventory for each state which will show:

"(1) The cropland other than conserving base which was diverted under a program or tilled in the crop years 1968 or 1969 or prior to August 1 in 1970; and

"(2) The total conserving base in 1970.

"Only the acreage in subsection (1) shall be eligible as set aside under the various provisions of this Act. . . ."

Page 57, after line 21, add the following new section:

"Sec. 806. Notwithstanding any other provision of this Act, the Secretary shall not permit grazing or harvesting of any acreage diverted or set aside pursuant to this Act. . . ."

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20. H.R. 18546 (Committee on Agriculture).

1. 116 Cong. Rec. 27499, 91st Cong. 2d Sess., Aug. 5, 1970.

Mr. William R. Poage, of Texas, having raised a point of order against the amendments, Mr. Findley stated in response:

> Mr. Chairman, this comes under the general provisions title of the bill. The conserving base concept applies to wheat, feed grains, and cotton. So it seems to me sufficient to offer the amendment under the general provisions title rather than to offer three separate amendments. Inasmuch as the subject matter of this amendment is dealt with in its entirety by the bill itself, it seems to me to be fairly germane.

The Chairman pro tempore,[2] in ruling on the point of order, stated:

> The Chair has examined the amendments. We are now on title VIII, general and miscellaneous provisions of the bill. It is the opinion of the Chair that the matters referred to in the amendments do refer to matters that can be considered in the general and miscellaneous provisions of the bill and are germane thereto. Therefore, the Chair overrules the point of order.

Title of Revenue Bill Relating to Tax Liens—Amendment Concerning Publication of Names

§ 18.9 To that title of a revenue bill relating to tax liens on securities, transfers of worthless securities, and the like, an amendment relating to the publication of names of taxpayers was held not germane.

On June 19, 1939, the Revenue Bill of 1939[3] was under consideration, which provided in part:[4]

> TITLE IV—MISCELLANEOUS AMENDMENTS
>
> Sec. 402. Tax on transfers of worthless securities by executor, etc.
>
> Section 1802(b) of the Internal Revenue Code (relating to the tax on transfers of capital stock and similar interests) is amended by inserting at the end thereof the following new paragraph:
>
> "The tax imposed by this subsection shall not be imposed upon any delivery or transfer by an executor or administrator to a legatee, heir, or distributee of shares or certificates of stock if it is shown to the satisfaction of the Commissioner that the value of such shares or certificates is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer."

The following amendment was offered:

> Amendment offered by Mr. [William J.] Miller [of Connecticut]: Page 39, after the period on line 15, insert a new section, as follows:
>
> It shall be unlawful for any person to sell . . . any copy . . . of any

2. Neal Smith (Iowa).

3. H.R. 6851 (Committee on Ways and Means).

4. See 84 CONG. REC. 7500, 76th Cong. 1st Sess., June 19, 1939.

list . . . authorized to be made public by this act or by any prior act relating to the publication of information derived from income-tax returns. . . .

Mr. Jere Cooper, of Tennessee, raised the point of order that the amendment was not germane to the title under consideration. The Chairman,[5] in sustaining the point of order, stated:

The title under consideration deals with transfers of worthless securities. The amendment offered by the gentleman from Connecticut [Mr. Miller] deals with making public the names of income-tax payers. The amendment is clearly not germane. . . .

The following exchange ensued:[6]

MR. MILLER: I intended to have [the amendment] read as a new section.

THE CHAIRMAN: The Chair understood it was a new section under title IV, and the amendment offered by the gentleman is not germane to the subject matter of title IV.

—*Amendment Concerning Excise Taxes*

§ 18.10 To that title of a revenue bill relating to tax liens on securities, transfers of worthless securities, and the like, an amendment relating to excise taxes was held not germane.

5. Fritz G. Lanham (Tex.).
6. 84 CONG. REC. 7500, 7501, 76th Cong. 1st Sess., June 19, 1939.

On June 19, 1939, the Revenue Bill of 1939[7] was under consideration, containing provisions as described above.[8] The following amendment was offered:[9]

Amendment offered by Mr. [James W.] Mott [of Oregon]: On page 39, in line 15, insert a new section, as follows:

"Section 3424 (of the Internal Revenue Code) is amended by striking out the following:

"The tax imposed by this subsection shall not apply to lumber of northern white pine (Pinus strobus), Norway pine (Pinus resinosa) and western white pine."

Mr. Jere Cooper, of Tennessee, raised the point of order that the amendment was not germane to the title under consideration. The Chairman,[10] noting that, "an amendment must be germane to the title under which it is offered," observed that, "Section 3424 of the revenue law, sought to be amended . . . is classified in the general revenue law under 'Manufacturers excise and import taxes,'" whereas the title under consideration related to taxes on securities. He then sustained the

7. H.R. 6851 (Committee on Ways and Means).
8. See Sec. 18.9, supra, for further discussion of the provisions cited.
9. 84 CONG. REC. 7501, 76th Cong. 1st Sess., June 19, 1939.
10. Fritz G. Lanham (Tex.).

point of order, and the following exchange ensued:

> MR. MOTT: Suppose this amendment were offered as a new title in the pending bill; would it then be germane or not? . . .
>
> THE CHAIRMAN: If the Chair understands the gentleman's parliamentary inquiry, the Chair will state in reply that in the Internal Revenue Code, section 3424, sought to be amended by the amendment offered by the gentleman from Oregon, is under the classification of "Manufacturers' excise and import taxes." Title IV has nothing to do with that subject, but excise taxes are dealt with under title I of the pending bill. Consequently, if the amendment had been germane it would have been germane under title I of the bill rather than under title IV. It would not be in order or germane as a new title, by reason of the fact there is already a title in the bill dealing with the subject matter to which the amendment would have been germane.

Appropriation for Public Works—Amendment Proposing Funds for Survey

§ 18.11 To that section of an appropriation bill providing funds for construction of public works, an amendment proposing funds for a survey was held to be not germane.

In the 86th Congress, during consideration of a bill[11] making appropriations for certain civil functions administered by the Department of the Army, an amendment was offered[12] as described above. Mr. Louis C. Rabaut, of Michigan, having raised a point of order[13] against the amendment, the Chairman[14] ruled as follows:

> The amendment should have been offered under the section of the bill dealing with general investigations and not the section dealing with construction. The amendment is not germane to this part of the bill.

Paragraph Appropriating Funds for Rural Electrification Administration—Amendment Placing Prohibition on Use of Any Funds in Bill

§ 18.12 To that paragraph of an agriculture appropriation bill making appropriations for the Rural Electrification Administration, an amendment providing "That during the period of the war . . . no part of [the] money appropriated under this bill shall be expended for administrative services" relating to the construction of facilities in specified areas was held to be not germane.

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11. H.R. 7509 (Committee on Appropriations).

12. 105 CONG. REC. 10056, 86th Cong. 1st Sess., June 5, 1959.

13. *Id.* at p. 10057.

14. Hale Boggs (La.).

In the 77th Congress, during consideration of the Agriculture Appropriation Bill of 1943,[15] an amendment was offered[16] as described above. Mr. John E. Rankin, of Mississippi, raised the point of order that the amendment was not germane. The Chairman,[17] in ruling on the point of order, stated:

> The gentleman's amendment does not simply apply to rural electrification. The gentleman's amendment applies to everything appropriated in the bill. . . .
>
> The Chair is of the opinion that since the amendment is directed to the entire bill, it is not germane to this paragraph and therefore the point of order is sustained.[18]

Unanimous Consent To Offer Amendment to Different Section of Bill

§ 18.13 An amendment, ruled out as not germane to that part of an appropriation bill to which offered, has been permitted by unanimous consent to be offered to a different paragraph to which it was germane but which has already been passed in reading for amendment.[19]

Total Sum Appropriated for Weather Bureau—Amendment Relating to Paragraph About Collecting Weather Information

§ 18.14 To that part of a general appropriation bill relating to the total sum appropriated for the Weather Bureau, an amendment was held to be not germane which appropriated a sum for a specific Weather Bureau station and which related to another paragraph appropriating sums for collecting and disseminating weather information.

In the 75th Congress, during consideration of a portion, described above, of a bill[20] comprising Agriculture Appropriations for 1938, the following amendment was offered:[1]

> Amendment offered by Mr. [Henry] Ellenbogen [of Pennsylvania]: Page 22,

15. H.R. 6709 (Committee on Appropriations).
16. 88 CONG. REC. 2445, 77th Cong. 2d Sess., Mar. 13, 1942.
17. Robert Ramspeck (Ga.).
18. See § 15.6, supra, for discussion of an amendment which sought in similar fashion to limit the use of appropriated funds, but which was offered as a separate section and held to be germane.
19. See § 18.14, infra.
20. H.R. 6523 (Committee on Appropriations).
1. 81 CONG. REC. 3763, 75th Cong. 1st Sess., Apr. 22, 1937.

line 20, after the word "agriculture", add a new paragraph, as follows:

"The sum of $23,940 is appropriated for additional equipment and services for the Weather Bureau station at Pittsburgh, Pa."

A point of order was raised against the amendment, as follows:

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, I raise the point of order that the paragraph sought to be added by the amendment is not germane to the portion of the bill to which it is offered, it being offered in connection with the total of the appropriation for the Weather Bureau, and following the language computing the entire division of Weather Bureau appropriation which has already been read.

In defense of the amendment, the proponent stated as follows:

MR. ELLENBOGEN: . . . This entire section deals with the Weather Bureau. The amendment offered not only deals with the item of two-million-and-some-odd-thousand dollars, on page 21, but deals with personnel as well as with gages, and could not properly be offered to any other section of the bill, because the amendment covers gages, telegraph charges, telephone wire, and telephone services, and some personnel to read those gages in the outlying districts. Therefore it is germane to the section entitled "Weather Bureau", and that section has not yet been passed.

The Chairman,[2] in ruling on the point of order, stated:

. . . The Chair takes the position that the amendment offered by the gentleman from Pennsylvania [Mr. Ellenbogen] is not germane because it is not offered at the proper place in the bill.

The Chair bases his ruling upon an opinion rendered by Mr. O'Connor, who stated in substance that there must be some orderly procedure in the consideration of appropriation bills as in the consideration of other bills, and proper amendments, whether in the nature of limitations or otherwise, should be offered at the proper place in the bill.

The Chair therefore sustains the point of order.

The following exchange ensued:

MR. TARVER: Mr. Chairman, I ask unanimous consent, in the interest of fair hearing and fair consideration of the proposal of the gentleman from Pennsylvania, that he be allowed to offer the amendment at the proper point in the bill.

THE CHAIRMAN: Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE CHAIRMAN: The Clerk will report the amendment.

THE CLERK READ AS FOLLOWS:

Amendment offered by Mr. Ellenbogen: On page 21, line 21, strike out "$2,298,950" and insert in lieu thereof "$2,322,870."

Amendment as Not Germane to Section But Permissible if Offered as New Section

§ 18.15 Where a section of a bill authorized improvements for flood control on

2. Franklin W. Hancock, Jr. (N.C.).

several waterways, an amendment to such section providing that 'no funds under this act shall be allocated unless actual construction shall have been started prior to this date' was held not germane, although the Chair indicated that the amendment would be germane if offered as a new section.

In the 79th Congress, the following portion of a bill[3] relating to flood control was under consideration:[4]

> Sec. 17. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $150,000,000 for the prosecution of the initial stage of the comprehensive plan adopted by section 9a of the act approved December 22, 1944 (Public, No. 534, 78th Cong.), for continuing the works in the Missouri River Basin to be undertaken under said plans by the Secretary of the Interior.

An amendment was offered, as follows:[5]

> Amendment offered by Mr. [J. Harry] McGregor [of Ohio]: On page 28, line 3, after the period insert: "No funds under this act shall be allocated unless actual construction shall have been started prior to this date."

A point of order was raised against the amendment, as follows:[6]

> MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: . . . The language of the amendment has to do with allocations and appropriations. No funds are being allocated or appropriated in this bill. A moment's reflection will show that this language is utterly contradictory. This is an authorization bill authorizing something. Now he undertakes to say that that thing shall not be started. . . . I respectfully submit that this language here is not applicable to an authorization bill, and that the point of order should be sustained because this language is utterly inconsistent and contradictory in an authorization bill, and is certainly not germane to section 17. It is not offered as a new section.

The Chairman,[7] in ruling on the point of order, stated:[8]

> The amendment may not be germane to the particular section to which it is offered but the Chair does think it would be germane to the bill as a whole in the nature of a limitation. The Chair sustains the point of order, but calls attention to the fact that it could be offered as a new section to the bill..

Amendment as Germane to More Than One Title

§ 18.16 The test of germaneness of an amendment to a

3. H.R. 6597 (Committee on Flood Control).
4. See 92 CONG. REC. 7099, 79th Cong. 2d Sess., June 18, 1946.
5. *Id.* at p. 7108.
6. *Id.* at pp. 7108, 7109.
7. J. Bayard Clark (N.C.).
8. 92 CONG. REC. 7109, 79th Cong. 2d Sess., June 18, 1946.

bill being read for amendment by titles is its relationship to the title to which offered; even where the amendment would also have been germane to a previous title of a bill which has been passed in the reading, an amendment germane to the pending title is not subject to a point of order on the grounds that it indirectly affects, or is inconsistent with, an amendment adopted to a previous title.

The proceedings of Sept. 5, 1980, relating to H.R. 7235, the Rail Act of 1980, are discussed in § 3.24, supra.

§ 18.17 To a diverse title of a bill reforming the economic regulation of railroads being read for amendment by titles, entitled "railroad intercarrier practices" but dealing also with bankruptcy and employee protection issues, an amendment addressing those issues as well as railroad rates and rate-making and including a provision requesting a study of the impact of possible tax law changes relating to railroads, was held germane even though portions of the amendment on rates indirectly affected a previous title of the bill already perfected by amendment.

The proceedings of Sept. 5, 1980, relating to H.R. 7235, the Rail Act of 1980, are discussed in § 3.24, supra.

§ 19. Amendment Adding New Section or Title to Bill

The rule of germaneness does not require that an amendment offered as a separate section be germane to the preceding section of the bill; it may be sufficient that it is germane to the subject matter of as much of the bill as a whole as has been read,[9] or to the title to which offered.

To a bill being read for amendment by title, an amendment in the form of a new section within a title need not be germane to a specific section therein, it being sufficient that it be germane to the title as a whole.[10]

An amendment adding a new title to a bill being read for amendment by titles must be germane to the totality of titles considered up to that point.[11]

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9. See § 19.11, infra.

10. 122 CONG. REC. 30476, 30477, 94th Cong. 2d Sess., Sept. 15, 1976, discussed in § 11, supra.

11. See, for example, the proceedings of Oct. 18, 1979, relating to H.R. 3000,